

Message Text

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43

ACTION EUR-25

INFO OCT-01 IO-14 ISO-00 SSO-00 NSCE-00 USIE-00 INRE-00

CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-10

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FM AMEMBASSY MADRID

TO SECSTATE WASHDC IMMEDIATE 7691

INFO AMEMBASS BONN

AMEMBASSY COPENHAGEN

AMEMBASSY THE HAGUE

AMEMBASSY LISBON

AMEMBASSY LONDON

AMEMBASSY OTTAWA

AMEMBASSY PARIS

AMEMBASSY ROME

AMEMBASSY STOCKHOLM

AMEMBASSY VIENNA

USMISSION USEC BRUSSELS

USMISSION GENEVA

C O N F I D E N T I A L MADRID 7715

E.O. 11652: GDS

TAGS: ELAB PINT PGOV SP

SUBJECT: MAXIMUM 12-20 YEARS PRISON SENTENCES GIVEN

"CARABANCHEL TEN"

SUMMARY: GUILTY VERDICT AND MAXIMUM SENTENCES OF 12-20 YEARS WERE HANDED DOWN TO "CARABANCHEL TEN", ON DECEMBER 29. THERE WERE EARLIER INDICATIONS THAT ACCUSED MIGHT BE GIVEN LIGHTER SENTENCES BUT ASSASSINATION CARRERO BLANCO APPARENTLY CHANGED THESE REPORTED INTENTIONS.

1. ON DECEMBER 29 COURT OF PUBLIC ORDER RETURNED GUILTY VERDICT IN "CARABANCHEL TEN" (OR "1001 CASE"), TRIAL
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AND SIMULTANEOUSLY HANDED DOWN SENTENCES. SENTENCES

GIVEN TEN WORKER COMMISSION LEADERS (INCLUDING ONE PRIEST) WERE MAXIMUM REQUESTED BY GOVERNMENT PROSECUTOR, RANGING FROM 12 TO 20 YEARS IMPRISONMENT. EDUARDO SABORIDO RECEIVED A SENTENCE OF 20 YEARS AND SIX MONTHS, MARCELINO CAMACHO 20 YEARS, NICOLAS SARTORIUS AND FATHER GARCIA SALVE EACH RECEIVED 19 YEARS, MUNIZ ZAPICO 18 YEARS, FERNANDO SOTO 17 YEARS AND FOUR MONTHS, AND REMAINING FOUR DEFENDENTS 12 YEARS EACH.

2. DEFENDING LAWYERS PLAN APPEAL THESE STIFF SENTENCES, ALTHOUGH APPEAL PROCEDURE IS LIKELY TO TAKE SEVERAL MONTHS AND APPEALS LIKELY BE TURNED DOWN BY SUPREME COURT. IN MEANTIME "CARABANCHEL TEN" REMAIN IN JAIL (PRIEST HAS REPORTEDLY BEEN RETURNED TO ZAMORA PRIESTS PRISON WHILE REMAINING NINE ARE IN CARABANCHEL PRISON).

3. COMMENT: SEVERITY OF SENTENCES WITH MAXIMUM PENALTIES IMPOSED CAME AS SOMETHING OF A SURPRISE, PARTICULARLY IN VIEW OF REPORTED WEAK LEGAL CASE DEMONSTRATED BY GOVERNMENT DURING DECEMBER 20-22 TRIAL. THERE INDICATIONS CARRERO BLANCO ASSASSINATION DECEMBER 20 COMPLETELY REVERSED PREVIOUSLY MODERATE GOVERNMENT ATTITUDE RE SENTENCES TO BE GIVEN "CARABANCHEL TEN". ONE LAWYER INVOLVED IN DEFENSE TOLD EMB LABATT THAT, IMMEDIATELY PRIOR TO TRIAL, COURT OF PUBLIC ORDER PRESIDENT HAD INFORMALLY LET DEFENSE LAWYERS KNOW SENTENCES WOULD BE LIKELY BE ONLY SIX YEARS FOR ALL DEFENDANTS, AND THAT INSTRUCTIONS FOR SUCH "RELATIVELY LENIENT" SENTENCES HAD COME DOWN TO THE COURT FROM "HIGHER AUTHORITY". ACCORDING TO ANOTHER SOURCE, LATE PRESIDENT CARRERO BLANCO HAD PERSONALLY ADVOCATED RELATIVELY LIGHT SENTENCES.

4. IT IS NOTEWORTHY THAT VERDICT AND SENTENCES WERE ANNOUNCED ON SAME DAY CARLOS ARIAS NAVARRO, MINISTER OF INTERIOR KNOWN FOR HIS HARD-LINE STANCE ON "LAW AND ORDER", WAS DESIGNATED BY FRANCO TO REPLACE CARRERO AS PRESIDENT OF GOVERNMENT.

5. ONE LONG-RUMORED POSSIBILITY WAS THAT "CARABANCHEL TEN" WOULD BE GIVEN LONG JAIL SENTENCES WHICH WOULD BE CONFIDENTIAL

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REDUCED OR NULLIFIED SHORTLY AFTERWARDS BY PARTIAL AMNESTY OR GENERAL PARDON GIVEN BY FRANCO FOR ALL PRISONERS IN CONNECTION WITH 1974 HOLY YEAR. CARRERO'S DEATH, HOWEVER, HAS APPARENTLY ELIMINATED THIS POSSIBILITY FOR IMMEDIATE FUTURE, THOUGH FRANCO MIGHT MAKE SUCH MOVE LATER IN 1974 WHEN EMOTIONS AROUSED BY CARRERO'S ASSASSINATION HAVE SUBSIDED.
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